

REMARKS

Claims 28-29 and 31-51 were pending in the application. By this paper, Applicant has canceled Claims 34-38 and 44-48 without prejudice, amended Claims 33, 39, 43 and 49, and added new Claims 52-54. Accordingly, Claims 28-29, 31-33, 39-43, and 49-54 are presented
5 herein for examination.

Allowed Subject Matter

Per Page 5 of the Office Action, Claims 28, 29, 31 and 32 stand allowed.

Moreover, per page 5 of the Office Action, Claims 33 and 39-43 would be allowable if
10 rewritten to overcome the objections cited on page 2 of the Office Action.

By this paper, Applicant has amended Claims 33, 39, and 43 to overcome the Examiner's objections. Applicant therefore respectfully submits that Claims 28-29, 31-33, and 39-43 are in condition for allowance.

15 *§112 Rejections*

Per Par. 4 of the Office Action (Pages 2-3), Claims 34-38 and 45-51 were rejected under Section 112(2).

Claims 34-38 - By this paper, Applicant has cancelled Claims 34-38 without prejudice.
20 However, the Examiner is respectfully directed to new Claims 52-54, which are basically reformulated versions of Claims 34-36 respectively, yet which now recite only apparatus limitations (as opposed to a method and apparatus). Since Claims 34-36 were rejected only under Section 112(2) in the Office Action, and Applicant's new Claims 52-54 overcome these rejections, Applicant submits that Claims 52-54 are in condition for allowance.

25 **Claims 49-51** – By this paper, independent Claim 49 has been amended to clarify the claim in light of the Examiner's comments on page 3 of the Office Action. Applicant also respectfully submits that the Examiner may have confused Applicant's recitation of "*said selective irradiation...*" (i.e., the act of irradiating something selectively) in Claim 49 with the
30 statement "*said selective radiation...*" (a noun) as recited by the Examiner on page 3 of the

Office Action. Phraseology similar to that used in allowed/allowable Claims has now been inserted. Applicant therefore submits that Claim 49 as presented herein is completely clear and unambiguous, and hence Claims 49-51 are in condition for allowance.

5 No other substantive basis for rejection of Claims 49-51 was presented in the Office Action.

§102 Rejections

10 Claims 44 and 45 were rejected under Section 102 as being anticipated by Webb. By this paper, Applicant has cancelled Claims 44 and 45 without prejudice, thereby rendering these rejections moot.

Other Remarks

Applicant submits that all claims are now in condition for allowance, and requests that the Examiner pass this case to issuance at the earliest opportunity.

15 Applicant hereby specifically reserves the right to appeal (including Pre-Appeal Brief under the Pilot Program), and to prosecute claims of different or broader scope in a continuation or divisional application.

20 Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and responding to the aforementioned restriction election, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such claim cancellations or additions.

25 Furthermore, any remarks made with respect to a specific claim or claims shall apply only to such claim or claims.

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If the Examiner has any questions or comments that may be resolved over the telephone, he/she is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

GAZDZINSKI & ASSOCIATES

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By: 

Robert F. Gazdzinski
Registration No. 39,990
11440 West Bernardo Court, Suite 375
San Diego, CA 92127
Telephone No.: (858) 675-1670
Facsimile No.: (858) 675-1674